

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS - Bhimavaram Municipality - Disciplinary Action against Sri.A.Hanumantha Rao, TPO (OG) (Retd), Bhimavaram Municipality - Allowing unauthorized constructions and violations, deviations to the sanctioned plan in the Municipality - Charges issued - Enquiry report communicated - Explanation submitted by the Charged Officer - Examined - Imposed penalty of 10% cut in pension for a period of five years - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (L2) DEPARTMENT

G.O.Rt.No.1678

Dated: 19.12.2012

Read the following:

1. From the DTCP Lr.Roc.No.4260/2008/M2, dt. 16.05.2009.
2. G.O.Ms.No.381 MA&UD (L2) Dept., dt. 04.06.2009.
3. G.O.Rt.No.794 MA&UD (L2) Dept., dt. 04.06.2009.
4. From the DTCP Lr.Roc.No.4260/2008/M2, dt. 03.07.2009.
5. G.O.Rt.No.994 & 995 MA&UD (L2) Dept., dt. 25.08.2010.
6. G.O.Rt.No.1227 MA&UD (L2) Dept., dt. 28.10.2010.
7. Notice of the APAT in O.A.No.6202/2010 filed by Sri.A.Hanumantha Rao TPO (OG) (Retd).
8. Govt. Memo.No.1688/L1/2009-9, dt. 24.11.2010.
9. From the DTCP Lr.Roc.No.9250/10/M1, dt.03.12.2010.
10. Hon'ble APAT Interim Orders in O.A.No.6202/2010 with MA.No.571/2011 dt. 03.02.2012.
11. From Sr.Dr.Rajendra Prasad, RDMA, Rajahmundry and EO Lr.Roc.No.938/2010/A3, dt. 06.11.2012.
12. Govt. Memo.No.1688/L2/2009-17, dt. 04.05.2012.
13. Hon'ble APAT issued notice in C.A.No.949/2012 in O.A.No.6202/2010 filed by Sri.A.Hanumantha Rao, TPO (OG) (Retd).
14. Govt. Memo.No.1688/L2/2009- , dt. 01.08.2012.
15. Explanation of Sri.A.Hanumantha Rao, TPO (OG) (Retd), dt. Nil.
16. From the Hon'ble APAT order dt. 13.12.2012 in C.A.No.948/2012 in O.A.No.6202/2010 filed by Sri.A.Hanumantha Rao, TPO (OG) (Retd).

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ORDER:

In the reference 1st read above, the Director of Town and Country Planning, Hyderabad has brought to the notice of Government that certain Municipal Officials have allowed unauthorized constructions and violations, deviations to the sanctioned plan in the Bhimavaram Municipality. After obtaining necessary proposals from the Director of Town and Country Planning, Hyderabad against (12) Delinquent Officers, disciplinary action was initiated against Sri.A.Hanumantha Rao, TPO (OG) (Retd) along with others vide reference 2nd and 3rd read above.

2. In the reference 4th read above, the Director of Town and Country Planning, Hyderabad has forwarded the Written Statement of Defense of above Charged Officer, to the Government. After receiving Written Statement of Defense of all (12) Charged Officers along with above individual, the same were examined and considered said Written Statement of Defenses are not convincing and decided to conduct regular enquiry into the matter. Accordingly Enquiry Officer and Presenting Officer were appointed in this case vide reference 5th read above. Subsequently, Presenting Officer was changed to present the case before Enquiry Officer vide reference 6th read above.

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3. In the mean while, one of the Charged Officers Sri.A.Hanumantha Rao, TPO (OG) (Retd) has filed O.A.No.6202/2010 before the Hon'ble A.P.Administrative Tribunal, Hyderabad for releasing terminal benefits etc. The Hon'ble Tribunal has issued notices vide reference 7th read above. The Director of Town and Country Planning, Hyderabad has filed counter in the matter vide reference 9th read above.

4. In the reference 10th read above, the Hon'ble Tribunal passed interim orders as follows :-

"to complete the enquiry in this case within a period of 12 weeks and in case, the enquiry is not completed within 12 weeks, all pensionary benefits of the applicant shall be released and compliance report shall be furnished before this Tribunal."

5. In the reference 11th read above, the Enquiry Officer has submitted his enquiry report to the Government holding except charge No.3, remaining all charge Nos 1,4 & 5 are held proved. A copy of the enquiry report has been communicated to the above Charged Officer for his explanation on the findings of the Enquiry Report along with disagreement factors, holding charge-II is also proved vide reference 12th read above.

6. In the reference 13th read above, the Hon'ble Tribunal issued notice to Government why CA.No. 949/12 in O.A.No.6202/2010 shall not be admitted. In the reference 14th read above, Government have filed counter for extension of time to finalize the disciplinary case.

7. In the reference 15th read above, the above Charged Officer (Retd) Sri.A.Hanumantha Rao has submitted his explanation on the findings of Enquiry Officer wherein he has denied his responsibility in this case and requested to drop further action ,as he worked in Bhimavaram Municipality for seven months only. Explanations of the remaining Charged Officers are awaited for taking further action per A.P.Civil Services (CCA) Rules, 1991.

8. Meanwhile, the Hon'ble Tribunal vide its orders dt:13.12.2012 have issued directions in C.A.No.948/2012 in O.A.No.6202/2010 as follows:-

"The learned Government Pleader informs that the orders of the Tribunal which were passed on 03.02.2012 have yet to be complied with. Already a period of twelve weeks was given to the Respondents to complete the enquiry, which is yet to be completed, which indicated that the Respondents are not exhibiting seriousness in implementing the orders of this Tribunal."

9. The Hon'ble Tribunal has also directed to the Principal Secretary to Government to submit compliance report with the orders of the Hon'ble Tribunal by 20.12.2012, otherwise to appear before the Hon'ble Tribunal.

10. Government have examined the matter including the explanation of the Charged Officer submitted on the findings of the enquiry officer and in compliance with the orders of the Hon'ble Tribunal have decided to comply with the above orders of Hon'ble Tribunal.

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11. Accordingly, in compliance with the orders of the Hon'ble Tribunal and after examination of the explanation of Sri.A.Hanumantha Rao, TPO (OG) (Retd), Bhimavaram Municipality on the findings of enquiry officer, Government hereby impose a penalty of 10% (ten) cut in his monthly pension for a period of five years, for the charges held proved against him in this matter.

12. The Director of Town and Country Planning, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri. A.Hanumantha Rao, TPO (OG) (Retd), Bhimavaram Municipality,
through the Director of Town and Country Planning, Hyderabad.
The Director of Town and Country Planning, Hyderabad.

Copy to:

The Government Pleader for MA&UD (Ser) A.P. Administrative Tribunal,
Hyderabad.

The PS to M (MA).

SC/SF

//FORWARDED BY ORDER//

SECTION OFFICER